

**ENTERED**

October 29, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

**CASSANDRA WHITAKER AS  
PUTATIVE REPRESENTATIVE OF  
THE ESTATE OF NASHYRA  
WHITAKER,**

**Plaintiff,**

**V.**

**DRAGON DREAM INC., RED DOOR ENTERTAINMENT, LLC, RED DOOR CARRIERS, LLC, IZK, LLC, ARMANDO LOPEZ JR., ADRIANA TREVINO, ISSAC GARCIA, AND CESAR CRUZ,**

## Defendants.

Civil Action No. 7:23-CV-00339

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the October 11, 2024, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 53). Judge Bray made findings and conclusions regarding Plaintiff’s removal of this case to federal court, (Dkt. No. 1), and Judge Bray’s previous order, (Dkt. No. 42), in which he instructed Plaintiff to serve “any outstanding defendants against whom Plaintiff wishes to pursue her claims,” (*id.* at 1), as required by Federal Rule of Civil Procedure 4(m), *see* Fed. R. Civ. P. 4(m). Based on Plaintiff’s failure to serve Defendants Red Door Entertainment, LLC, Red Door Carriers, LLC, Armando Lopez, Jr., and Cesar Cruz by the order’s July 26, 2024, deadline, Judge Bray recommended that those Defendants be dismissed without prejudice for failure to serve process on them. (Dkt. No. 53 at 1).

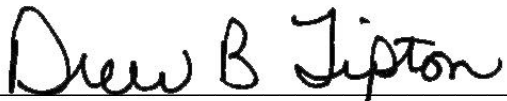
The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Bray's M&R, (Dkt. No. 53), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants Red Door Entertainment, LLC, Red Door Carriers, LLC, Armando Lopez, Jr., and Cesar Cruz are **DISMISSED** without prejudice.

It is SO ORDERED.

Signed on October 29, 2024.

  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE